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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/721,341

11/26/2003

Darryl Gauthey

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4489

24203 7590 02/21/2007  
GRIFFIN & SZIPL, PC  
SUITE PH-1  
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ARLINGTON, VA 22204

EXAMINER

EDWARDS JR, TIMOTHY

ART UNIT

PAPER NUMBER

2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/721,341

Applicant(s)

GAUTHEY ET AL.

Examiner

Timothy Edwards, Jr.

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2006 and 06 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 15 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-21 is/are allowed.
- 6) ☒ Claim(s) 1-5, 13, 14, 16 and 18 is/are rejected.
- 7) ☒ Claim(s) 6-12 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed November 30, 2006 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 1 and 16 are based on amendments to these claims. Therefore, Examiner maintains Office action dated August 30, 2006. Examiner is of the opinion Taylor '677 remains pertinent to the present application.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4,14,16 are rejected under 35 U.S.C. 102(e) as being anticipated by Taylor '677.

Considering (amended) claim 1, Taylor discloses a touchpad code entry system comprising 1) means of touching a touch screen to generate a security code for access to a function, an apparatus or location (see paragraph 0004-0005 and 0012-0014); 2) controls keys activated by manual action of a users finger or a stylus (see paragraph

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0014); 3) keys are sensitive pads linked to a microprocessor unit of the electronic device (see paragraph 0055); 4) each key of the touch screen defines a different number (see paragraph 0056); Taylor addresses a series of steps in an entry mode comprising a) placing a finger or stylus on a first key of the touch pad represents the first reference of the code to be entered (see paragraph 0022); b) moving the finger or stylus over a specific trajectory from a first key to a second key, the second key represents a second reference to the code to be entered (see paragraphs 0023, 0024 and 0053); c) registering sensitive keys or pads activated during movement of the finger or stylus from the first key to the second key to determine a security code (see paragraphs 0055 and 0071); d) security code based on the code entered and the specific trajectory of the finger (see paragraphs 0055, 0068 and 0071).

Considering claim 2, Taylor discloses the limitation of this claim (see paragraphs 0022 and 0051).

Considering claim 3, Taylor discloses the limitation of this claim (see paragraphs 0022 and 0051).

Considering claim 4, Taylor discloses the limitation of this claim (see paragraphs 0055 0061 and 0062).

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Considering claim 14, Taylor discloses the limitation of this claim (see paragraphs 0039 and 0055).

Considering claim 16, the limitations of this claim are interpreted and rejected as stated in claim 1.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 5, is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor.

Considering claim 5, Taylor does not specifically recite depressing the references of the security code for a period of time. One of ordinary skill in the art readily recognizes the surface of a touchpad maybe composed of individual regions, which represents symbols, characters or numbers. Taylor discloses generating numbers with his touch pad (see paragraph 0056). One of ordinary skill in the art readily recognizes the practice of depressing a key for a predetermined time before the key is actuated is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to use this method of key activation in the Taylor system.

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3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor '677 as applied to claim 16 above, and further in view of Taylor US 6,359,838 (Taylor '838).

Considering claim 18, Taylor '677 does not specifically recite his touch pad is used with an analog wristwatch. Taylor '838 teaches the use of a touch screen keypad arrangement for a wristwatch for entering numbers associated with numbers displayed on the dial of the wristwatch. Taylor '677 discloses generating numbers. Therefore, it would have been obvious to one of ordinary skill in the art to apply the touchpad of Taylor '677 to a watch face as taught by Taylor '838 because both references are concern with entering numerical data using a touchpad.

***Allowable Subject Matter***

4. Claims 6-13,17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 7,10-12 are object to because of their dependents on object claims 6 and 9.

5. Claims 19-21 are allowed. Claim 19 is allowed because of amendment to this claim filed February 6, 2007.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Examiner Timothy Edwards, Jr. at telephone number (571) 272-3067. The examiner can normally be reached on Monday-Thursday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached at (571) 272-7308.

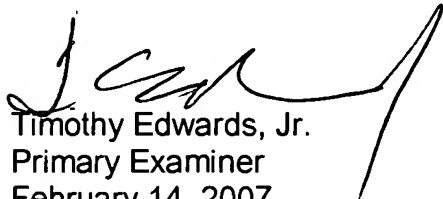
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

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Any response to this action should be fax to:

(571) 273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov> or contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy Edwards, Jr.  
Primary Examiner  
February 14, 2007